

14 MAY 1947

I N D E X
of
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
KAWABE, Torashiro (resumed)	22043
Cross by Mr. Comyns Carr (cont'd)	22043
<u>MORNING RECESS</u>	22056
Cross by Mr. Comyns Carr (cont'd)	22057
Redirect by Mr. BANNO	22067
<u>NOON RECESS</u>	22074
(Witness excused)	22076
FUJII, Shigeru	22077
Direct by Mr. G. Williams	22077
(Witness excused)	22079
BABA, Shaochi	22080
Direct by Mr. G. Williams	22080
(Witness excused)	22090
SHIMIZU, Tozo	22091
Direct by Mr. Furness	22091
(Witness excused)	22092
<u>AFTERNOON RECESS</u>	22094
ISHIHARA, Kanji	22098
Direct by Mr. Mattice	22098

14 MAY 1947

I N D E X
of
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
1339	2583		Affidavit of FUJII, Shigeru		22077
None	2584		Deposition of ISHIHARA, Kanji		22095

1 Wednesday, 14 May 1947

2 - - -

3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, same as before.

13 For the Prosecution Section, same as before.

14 For the Defense Section, same as before.

15 - - -

16 (English to Japanese and Japanese
17 to English interpretation was made by the
18 Language Section, IMTFE.)
19
20
21
22
23
24
25

W
h
a
l
e
n

2

J
i
i
a

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): Mr. President,
5 if the Tribunal please, reference was made yesterday
6 to exhibit No. 2235 as having been referred to the
7 Language Section.

8 The attention of the Tribunal is called to
9 record page 16,110, where the translation has been
10 reported back to the Tribunal.

11 THE PRESIDENT: What did you say on that
12 occasion?

13 LANGUAGE ARBITER (Major Moore): Yes, sir.
14 "Exhibits 270 and 2235, two translations of the same
15 original Japanese, have been referred to the Arbitra-
16 tion Board.

17 "From a spot check we find that either trans-
18 lation is acceptable. But since exhibit 2235 is a
19 slightly more exact rendering, we recommend that it
20 be accepted as the official translation."

21 THE PRESIDENT: Mr. Comyns Carr.

22 Thank you, Major.

23 MR. COMYNS CARR: Your Honor, I also have
24 gone into that matter and I find that both documents
25 were admitted in evidence, over objection.

1 THE PRESIDENT: Mr. Freeman.

2 MR. FREEMAN: If the Tribunal please, I
3 respectfully request its indulgence to clarify what
4 has taken place with regard to documents with exhibits
5 No. 270 and 2235.

6 This document was originally introduced in
7 evidence on 9 August 1946, page 3603 of the record.
8 At that time I objected to the introduction of this
9 document on the grounds that, as indicated in the
10 preface, it was a gist of two talks made by SATO, Kenryo,
11 compiled by an unknown writer. The President of the
12 Tribunal on that date instructed the prosecution to
13 ascertain who the writer is, indicating that unless
14 the name of the writer was known it would have little
15 or no probative value.

16 On November 5, 1946, Mr. Williams, of the
17 prosecution, made this statement to the Court, and I
18 quote: "We call the Tribunal's attention to exhibit 270,
19 already in evidence, which is a record of policy-making
20 conference of the highest Japanese government officials
21 occurring in January 1938. It having already been
22 presented in evidence, of course we do not read it at
23 this time."

24 The Court's attention is directed to the
25 fact that these so-called speeches were supposed to

1 have been made on August 25 and August 29, 1928, at
2 the temporary conference of a police bureau chiefs'
3 meeting in the home office, at which time the accused
4 SATO was a colonel.

5 I am informed by one of my colleagues I said
6 '28. I meant '38.

7 'n 23 January 1947, ^s pages 16,069 through 16,082,
8 inclusive, of the record, Colonel Mornane attempted
9 again to introduce this same document with a new cer-
10 tificate of translation, but still never having
11 identified the writer.

12 THE PRESIDENT: The question is academic,
13 because--

14 MR. FREEMAN: Will you permit me--

15 THE PRESIDENT: Mr. Carr said that he was
16 cross-examining independently of any document, which
17 he is at liberty to do--

18 MR. FREEMAN: Well, I'd like to--

19 THE PRESIDENT: And subject to the usual
20 conditions.

21 When you speak, I am bound to let you finish.
22 You have the same obligation to me. The red lights
23 make that imperative.

24 MR. FREEMAN: May I conclude? I have one
25 paragraph to read.

1 THE PRESIDENT: I am not stopping you, but
2 I am preventing you from breaking the red light.

3 MR. FREEMAN: I am sorry.

4 Yesterday the prosecution, in its cross-
5 examination of General KAWABE, used this document as
6 a basis for part of its cross-examination. I
7 respectfully submit to the Court that the prosecution
8 should get its facts straight with reference to this
9 document and ascertain who the writer was, as they
10 were instructed last August by the Court, or desist
11 from further reference to it until such time as it
12 has been authenticated.

13 THE PRESIDENT: Mr. Comyns Carr.

14 MR. COMYNS CARR: Your Honor, one of the
15 respects in which 2235 is a slightly better translation
16 than 270 is that it gives the name of the writer,
17 which 270 omitted to do. His name was KUMAGAI.

18 We are at present making some inquiries to
19 find out anything more about him that we can and we
20 will report to the Tribunal if it is desired.

21 MR. FREEMAN: If the Tribunal pleases, I
22 respectfully submit the prosecution is speaking of
23 the translator and not the writer.

24 MR. COMYNS CARR: I propose to pass on from
25 this topic, your Honor.

1 MR. FREEMAN: If the Tribunal pleases, I
2 don't want to be vociferous and talk too much, but
3 this has come up again and again and again. The
4 Court directed them -- the prosecution -- last August
5 to ascertain the writer. They have never done it,
6 and I respectfully submit they should discontinue
7 referring to this document till they do find the writer
8 as the Court directed.

9 MR. COMYNS CARR: Your Honor, a glance at
10 2235 shows no foundation for my friend's suggestion
11 that KUMAGAI is the name of the translator.

12 THE PRESIDENT: It is sufficient to have
13 the Court's attention drawn to the matter. We have
14 heard enough.

15 MR. COMYNS CARR: If your Honor pleases.

16 - - -
17
18
19
20
21
22
23
24
25

KAWABE

CROSS

1 T O R A S H I R O K A W A B E, called as a witness
2 on behalf of the defense, resumed the stand and
3 testified as follows:

4 CROSS-EXAMINATION

5 BY MR. COMYNS CARR (Continued):

6 Q General KAWABE, referring again to page 9 of
7 your affidavit, the last part, the last few words of
8 sub-paragraph 8, you say "It is a plain fact that the
9 Central Supreme Command hoped to stop the over-all
10 hostilities every time a single operation on one
11 field was brought to an end, and prepared in secret
12 such a plan."

13 Then omitting the next sentence, which goes
14 into detail, you say "Especially was this so when
15 general peace activity was made by the offices of
16 the German ambassador in China, before and after the
17 Nanking military operation, and we thoroughly cooperated
18 with the government, but, unfortunately, failed in
19 attaining our object."

20 Is not the fact that there was a great quarrel
21 between the General Staff and the government about this
22 matter?
23

24 A I shall speak of my recollection of that matter.
25 At that time Chief of the Army General Staff TADA strongly
advocated the speedy effectuation of peace with China.

1 From what I learned from Vice-Chief TADA myself, I
2 heard that there was some difference in the estimate of
3 the situation between the government and the General
4 Staff. The judgment of the government was that China
5 no longer had any intention to accept the desire or the
6 wishes of the Japanese side. On the other hand, Vice-
7 Chief of the Army General Staff TADA was of the opinion
8 that the situation was still unclear, and, therefore,
9 it was necessary to further investigate into the
10 Chinese intentions and desires on the matter.

11 My recollection of the Japanese opinion, as
12 conveyed to the Chinese side is as follows, and I think
13 the principal emphasis, the principal point at the time
14 was as follows: Let's have the Chinese, at least, at
15 any rate understand that we would like to enter into
16 peace talks with them.

17 And my information on the matter with respect
18 to that point is this: That while the government on
19 its part said that the Chinese had no intention what-
20 soever of entering into such talks, General TADA's
21 opinion was that, no, the situation was still unclear,
22 so that it was necessary to investigate the matter
23 further. And, therefore, the government and the high
24 command failed to reach an agreement of views.
25

My recollection is that General TADA finally

KAWABE

CROSS

1 abandoned his stand and entrusted the matter entirely
2 to cabinet ministers in charge of the prosecution of
3 Japan's diplomatic policy. That is all.

4 Q Well, now, General KAWABE, if what you have
5 just told us is the truth, and I can accept part of it
6 as being correct, why did you swear in your affidavit
7 that you thoroughly cooperated with the government,
8 and that there was perfect union between the General
9 Staff and the opinion expressed by the government?

10 THE PRESIDENT: General KAWABE, will you please
11 speak closer to the microphone and not speak so loudly.

12 A Then I shall reply to the last question.

13 There certainly were differences of opinions
14 in the preliminary stages when matters such as this
15 was still under study.

16 As I said before, there were differences of
17 opinion in the preliminary stages when studies were
18 being made. However, in the final analysis the govern-
19 ment and the high command came to understand each other
20 on certain points, and the General Staff, abandoning
21 its own stand, left matters entirely in the hands of
22 the government, thereby reaching a unification and
23 coordination of Japanese national policy, diplomatic
24 policy, and military matters.

25 Q Well, now, let's have a little more detail

KAWABE

CROSS

1 about this. Did the General Staff take the line in
2 December 1937, immediately after the fall of Nanking,
3 that the war in China must be stopped at once in order
4 to prepare for a war against Russia?

5 A Part of the question is right. That is, imme-
6 diately after the fall of Nanking the General Staff
7 advocated the immediate establishment of peace between
8 China and Japan. However, it had not entertained any
9 ideas whatsoever such as preparing for any war or engage-
10 ment against the Soviet Union.

11 Q Did the General Staff say that if Russia were to
12 intervene while you were fighting China, the resources
13 of Japan were not sufficient to withstand such action?

14 A I do not know whether or not such a matter was
15 advocated or not. But those of us in charge of such
16 matters entertained that idea.

17 Q Did General TADA tell the cabinet that he wanted
18 two more years to prepare for war against Russia?

19 A I do not know about that at all.
20
21
22
23
24
25

KAWABE

CROSS

W
o
l
f
&
v
e
l
d
e
n

1 Q Was that the view of the General Staff?

2 A We did not have any such exact views.

3 Q You mean as to whether it was two years
4 or one year?

5 A We did not think of them in terms of years
6 or period of time.

7 Q Yesterday I referred you to exhibit 672 in
8 which TOJO had advocated as a means for preparing
9 against Russia that Japan should deliver a blow first
10 of all against China, and you told me that the General
11 Staff did not agree with that view. Now I am putting
12 to you, accepting that, that the General Staff in
13 December insisted on immediate peace with China in
14 order to prepare against Russia?

15 A Is the point in your question, Mr. Prosecutor,
16 this, that immediate peace with China was sought be-
17 cause it was necessary to prepare for a war against
18 Russia?

19 Q Yes.

20 A No, that is not so.

21 Q Did the General Staff -- I think you have
22 said so but I want to get it quite clear -- did the
23 General Staff advocate that in order to secure peace
24 with China definite and moderate terms should be offered
25 to China?

A Yes, that was the idea.

1 Q Did General TADA inform you that at a
2 cabinet meeting on the 21st of December that view had
3 been vehemently opposed by Marquis KIDO, who had
4 taken the line that there was no hurry about making
5 peace with China and that any terms offered should
6 be vague?

7 MR. LOGAN: If the Tribunal please, I don't
8 believe there is any evidence to that in this case at
9 the present time.

10 THE PRESIDENT: I have already stated that
11 the evidence could be given for the first time by the
12 witness' answer, but if there is no such answer there
13 is an obligation on the prosecution to attempt to
14 establish what they have been putting to the witness.

15 Q What do you say? Were you told that by TADA?

16 A No.

17 Q Did you hear it from any other source?

18 A No.

19 Q You learned, did you not, that the cabinet
20 had decided against offering any definite terms and in
21 favor of offering only vague ones?

22 A I have no positive recollection as to the
23 cabinet's attitude.

24 Q But you know the terms that were offered,
25

1 don't you?

2 A I only recall the General Staff plan
3 which it intended to present.

4 Q Now, General SATO knew the terms that
5 actually were offered. They are to be found on
6 pages 3 and 4 of exhibit 270 or 4 and 5 of exhibit
7 2235. Let me just read them to you:

8 "I. That China abandon her pro-Comintern
9 and anti-Japanese-Manchukuo policies, and cooperate
10 with both Japan and Manchukuo in the anti-Comintern
11 policy.

12 "II. That demilitarized zones be established
13 in necessary areas, and that a special body (a broad
14 autonomous system) be established in these areas.

15 "III. That an intimate economic agreement
16 be concluded between Japan, Manchukuo and China.

17 "IV. That China make necessary reparations
18 to the Empire.

19 Don't you know that those were the terms
20 put forward?

21 A I know that the General Staff Office agreed
22 to these terms in outline. As to the accused SATO, I
23 should say at that time SATO was in the War Ministry
24 and he may have been familiar with the policy of the
25 government; however, as far as I am concerned I do not

KAWABE

CROSS

1 know as to what terms were actually served on China
2 or presented to China.

3 Q But you do know, do you not, that those
4 terms were very different from the ones which the
5 General Staff wanted to have offered?

6 A I do not say that they were very different
7 but it would amount to that if the matter were express-
8 ed abstractly.

9 Q And it is obvious, is it not, that they are
10 extremely vague?

11 A Yes, I acknowledge the fact that is vague.

12 MR. FREEMAN: I object to that question on
13 the ground it is argumentative.

14 THE PRESIDENT: I do not think it is
15 argumentative. Objection overruled.

16 Q Now, negotiations of a sort had been going
17 on through the German ambassador ever since the 5th
18 of November, had they not?

19 A That is the way I have been informed.

20 Q And were you informed that according to the
21 German ambassador the Chinese were willing to talk
22 peace terms?

23 A Yes.

24 Q While those negotiations were going on did
25 the Japanese establish in Shanghai a so-called

1 independent local government on the same day, the
2 5th of November -- I beg your pardon, on the 5th of
3 December?

4 A I do not know that fact.

5 Q That is exhibit 463, page 4; and on the
6 14th of December, the day after the fall of Nanking,
7 did they establish another independent North China
8 government in Nanking?

9 A I have no recollection whatsoever.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 independent local government on the same day, the
2 5th of November -- I beg your pardon, on the 5th of
3 December?

4 A I do not know that fact.

5 Q That is exhibit 463, page 4; and on the
6 14th of December, the day after the fall of Nanking,
7 did they establish another independent North China
8 government in Nanking?

9 A I have no recollection whatsoever.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

KAWABE

CROSS

1 Q That is exhibit 463, page 1 and exhibit
2 270, page 5.

3 Now, on the 24th of December, do you know
4 that the Cabinet decided on a policy for North
5 China which included the setting-up of an independent
6 government and making North China contribute to the
7 development and increase of production of necessary
8 materials for the national defense of Japan and
9 Manchukuo?

10 MR. BANNO: What year is the prosecutor
11 referring to, I would like to ask?

12 MR. COMYNS CARR: 1937.

13 A I do not know of the fact that the government
14 had made any decision of such a nature on the 24th
15 of December, 1937, and, therefore, I am unable and
16 in no position to reply to the contents of such a
17 decision.

18 Q Had not that been the object of the China
19 Incident from the beginning?

20 A In so far as my own recollections are
21 concerned, there were no such ideas or thoughts
22 in the General Staff whatsoever.

23 Q Now, did Japan to your knowledge press
24 China for a quick reply to the peace terms which
25 I have read to you?

KAWABE

CROSS

1 A I do not know of any such fact as pressing
2 the Chinese.

3 Q I refer to exhibit 270, page 4 and 486-D.

4 Did the General Staff continue, after those
5 peace terms had been sent, to press that they should
6 be made more precise and that whatever terms China
7 was prepared to accept should be agreed to?

8 A In my recollection, the ideas with respect
9 to peace with China as entertained by the General
10 Staff was very generous and magnanimous. However,
11 I have no recollection whatsoever as to the General
12 Staff demanding, or advocating, or complaining, or
13 protesting about anything.

14 Q And were they opposed in that view both
15 by the War Ministry and the Cabinet?

16 A I have no recollection whatsoever that there
17 were any strong opposition shown to the views of
18 the General Staff.

19 Q Did the quarrel become so acute that an
20 Imperial Conference had to be called on the 11th
21 of January, 1938 to settle it?

22 A My recollection on that is as follows: That
23 Imperial Conference was not held because there
24 was any divergence or opposition in standpoints and
25 views between the Government and the General Staff,

KAWABE

CROSS

1 or within the Government itself, but for other
2 reasons. My recollection of that Imperial Conference
3 is this: That the fall of Nanking was the end of
4 one stage and the beginning of another new stage.
5 It offered a fine opportunity for making plans for
6 the new stage, and the purpose of this Imperial
7 Conference was to bring about a meeting of minds,
8 an agreement on views, on what next to do in the
9 presence of the Emperor.

10 Q By a "new stage" do you mean carrying the
11 War further into China?

12 A No. The fall of Nanking, at least, brought
13 about a new stage in the Incident and peace moves
14 with China had already started by the time of the
15 fall of Nanking. And as to what was to be done
16 thereafter, was a matter to be decided at an Imperial
17 Conference or by other competent organs.

18 Q Do you know that the Imperial Conference
19 decided on detailed peace terms for China which are
20 to be found at exhibit 270, page 4.

21 MR. FREEMAN: If the Tribunal please.

22 THE PRESIDENT: Mr. Freeman.

23 MR. FREEMAN: It is my understanding that
24 the Translation Section refers to 2235 of its
25 translation. He continues to refer to 270.

KAWABE

CROSS

1 THE PRESIDENT: If there is any difference
2 between the two in the matter about to be referred
3 to, you would be justified in referring to the more
4 reliable exhibit.

5 MR. COMYNs CARR: The same thing in substance
6 appears in exhibit 2235, page 5. I was not intending
7 to read either, your Honor, at the moment.

8 Q Do you know that those detailed terms were with-
9 held by the Foreign Minister HIROTA and never
10 submitted to China?

11 A I have never heard of it.

12 Q Do you know that on the 13th of January,
13 1938, a Chinese request was received for clarification
14 of the meaning of those four points which had been
15 submitted in December, and which you agreed with me
16 were extremely vague?

17 A Yes, I heard that some sort of representation
18 or request was made on the part of the Chinese
19 Government of the Japanese Government at that time,
20 but my recollection doesn't go so far as to remember
21 anything so concrete or **exact** as you stated.

22 Q Do you know that on the next day, the 14th
23 of January, the Cabinet instead of sending to China
24 the detailed terms which had been agreed upon at the
25 Imperial Conference, in answer to their request for

KAWABE

CROSS

1 more information, decided to break off all relations
2 with the Chinese Government? Do you know that?

3 A I know the circumstances.

4 Q Yes. And the next day, the 15th of January, did
5 TADA, on behalf of the General Staff, made one last
6 effort to try and get that overruled?

7 A In my recollection TADA told us in the
8 General Staff Office that he felt extremely regretful,
9 but I do not know. I have no recollection ~~whatsoever~~
10 whether he had made any moves vis-a-vis the Cabinet,
11 or other departments.

12 Q Did he tell you that he had been at a
13 liaison conference the whole of that day arguing
14 about it against the Government?

15 A I think that was on or about the 14th of
16 January, but I recall that General TADA went to the
17 liaison conference and told me afterwards that he
18 had expressed his opinions quite a bit at that time.

19 Q Yes.

20 THE PRESIDENT: We will recess for fifteen
21 minutes.

22 (Whereupon, at 1045, a recess was
23 taken until 1100, after which the proceedings
24 were resumed as follows:)
25

KAWABE

CROSS

M
O
R
S
C
&
G
r
e
e
n
b
e
r
g

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Comyns Carr.

4 BY MR. COMYNS CARR (Continued):

5 Q Did TADA inform you that at this liaison
6 conference on the 15th of January he had argued in
7 favor of personal negotiations with Cheng Kai-shek?

8 A No.

9 Q And in favor of replying to the Chinese request
10 for more details of the four terms by giving the details?

11 A Do you mean at the liaison conference?

12 Q Yes.

13 A I do not know about that conference, that is,
14 what took place at the conference.

15 Q Did he tell you that he had explained that
16 his only reason for taking this line was that he was
17 afraid of Russia?

18 A I do not remember any such remark.

19 THE PRESIDENT: If you are referring to some-
20 thing already in evidence, I think we would all be glad
21 to know the page.

22 MR. COMYNS CARR: I am not at this stage, your
23 Honor.

24 Q Did he tell you that he had failed to make any
25 headway because of the opposition of KIDO and HIROTA?

KAWABE

CROSS

1 MR. LOGAN: If the Tribunal please, if the
2 prosecutor is referring to any document that he intends
3 to offer in evidence, I ask that it be marked for
4 identification so we will all know exactly what he is
5 talking about.

6 THE PRESIDENT: Well, I don't think that we
7 are bound or that we are at liberty to oblige him to
8 say whether he is using a document or something else.
9 He may be questioning this witness on something that
10 TADA has told the prosecution. It wouldn't be fair on
11 the part of the Tribunal to compel him to disclose the
12 source of his information, but we expect him in rebuttal
13 to prove, or attempt to prove, the things he is now
14 putting to the witness or to give a good explanation
15 why he cannot do either. That is the maximum protec-
16 tion that can be afforded to the defense. We may
17 insist upon a disclosure by the prosecution which would
18 utterly destroy the effectiveness of the cross-examination.

19 MR. LOGAN: I appreciate your Honor's state-
20 ment and the extent of the prosecution's cross-exam-
21 ination, but by the same token, in all fairness to the
22 defense, if the prosecutor has a document that he
23 intends to offer later and is cross-examining this
24 witness, after the witness leaves the stand and the
25 document has not been tendered for identification, we

KAWABE

CROSS

1 have lost our opportunity for cross-examining that
2 witness on that same document.

3 THE PRESIDENT: If Mr. Carr mentions a docu-
4 ment, expressly refers to one, following our practice
5 we will make him tender it for identification at some
6 stage before the re-examination.

7 MR. LOGAN: He may also be cross-examining
8 from a document and not mention it and, therefore, we
9 are at that disadvantage.

10 THE PRESIDENT: If he does not mention the
11 document he is not relying upon its existence at this
12 stage, at all events. It is when he begins to rely
13 on that document, on the existence of one, that it is
14 necessary, to protect you, that he disclose it.

15 MR. LOGAN: But if he mentions it for the first
16 time when he offers it in rebuttal, our opportunity to
17 cross-examine the witness is lost.

18 THE PRESIDENT: I realize that you have a
19 right in circumstances to cross-examine this witness,
20 although he is a defense witness. Now, if Mr. Carr
21 is cross-examining from a document which he does not
22 mention, and he tenders that in rebuttal, it will be
23 matter for comment that he did not put it to a defense
24 witness who might reduce its effectiveness, but it is
25 nothing more than that.

KAWABE

CROSS

1 MR. LOGAN: Thank you, your Honor.

2 BY MR. CARR (Continued):

3 Q General KAWABE, do you know that on the same
4 day, the 15th of January, the Chinese Government re-
5 peated their request for further details of the peace
6 terms and assured the Japanese Government that they
7 were not doing so for purposes of evasion?

8 A I do not know.

9 Q On the 16th of January -- exhibits 972A and
10 486B, page 2 -- the cabinet decision to break off
11 negotiations with Chang Kai-shek and deal in the future
12 only with a new government of China was made public,
13 was it not?

14 A Yes.

15 MR. COMYNS CARR: Your Honor, with regard to
16 the cabinet decision itself of the 14th of January, I
17 should have referred to exhibits 2260, KIDO's Diary,
18 and 486C. I am not sure if I mentioned those before
19 the adjournment.

20 THE PRESIDENT: I don't recollect you referring
21 to 2260.

22 MR. COMYNS CARR: No, I don't think so, your
23 Honor. I should have done so.

24 THE PRESIDENT: Nor do I recollect any reference
25 to 486C.

KAWABE

CROSS

1 MR. COMYNS CARR: No.

2 Q Now, you have spoken of the German part in
3 these negotiations. Do you know that in exhibit 486E
4 the German Foreign Office referred to these proceedings
5 as an unclean Japanese trick?

6 A I do not know.

7 Q Don't you agree with that description?

8 A I personally do not agree.

9 Q Now, in another part of page 9 of your affidavit
10 you say that you submitted -- it is the last paragraph
11 but one, Language Section, of sub-paragraph numbered 8 --
12 you say that at the beginning of August you submitted
13 a proposal to the War Ministry that the mobilization
14 of munitions required for approximately fifteen divisions
15 to fight about half a year should be carried out, and
16 that the accused UMEZU did not give prompt consent to
17 the proposal. When did he consent to it?

18 A I think it was after -- was some time in the
19 month of September, but I have no clear recollection
20 as to the exact date. All I recall is that he had given
21 his consent sometime after the proposal had been made.

22 Q Do you know that before the Incident broke
23 out in May and June, 1937, the War Ministry had already
24 submitted and obtained approval for a five year plan
25 for increasing the supply of munitions?

KAWABE

CROSS

1 A I do not remember the year, but I do know the
2 fact that such plans were steadily being given concrete
3 form.

4 Q And did the General Staff support them?

5 A Yes.

6 Q In the dispute, about which I have been asking
7 you, between the General Staff and the cabinet in
8 December and January, 1937, did the War Ministry side
9 with the cabinet against the General Staff?

10 A There is no fact of any opposition, divergence,
11 or anything hostile between the General Staff and the
12 War Ministry because before the War Minister speaks at
13 a cabinet meeting he conducted preliminary consultations
14 with the General Staff.

15 Q But don't you know that in the cabinet decision
16 the War Minister agreed with the rest of the cabinet
17 in rejecting the ideas of the General Staff?

18 A I have no recollection whatsoever with respect
19 to any matter except those that I had direct charge of
20 or direct connections with and from what I have heard
21 personally from General TADA.

22
23
24
25

KAWABE

CROSS

S
p
r
a
t
t
&
K
a
p
l
e
a
u

1 Q In that case why did you venture to swear
2 in your affidavit, as you have done, about the pro-
3 ceedings with regard to these negotiations and the
4 perfect unison with the government?

5 A I ask the interpreter; it may be that my
6 reply was given in the reverse order.

7 LANGUAGE ARBITER (Major Moore): Mr. Presi-
8 dent.

9 THE PRESIDENT: Major Moore.

10 LANGUAGE ARBITER (Major Moore): May we
11 return to the witness' answer which he gave to the
12 question before this and have it retranslated, please?

13 THE PRESIDENT: Yes.

14 (Whereupon, the last answer was read
15 by the Japanese court reporter.)

16 THE MONITOR: I have no recollection other
17 than what I have been connected with and what General
18 TADA personally told me.

19 THE INTERPRETER: May we ask the witness to
20 amplify that?

21 MR. COMYNS CARR: It seems clear enough if
22 that is the correct translation.

23 THE PRESIDENT: Major Moore.

24 LANGUAGE ARBITER (Major Moore): Mr. Presi-
25 dent, the translation as given is an accurate

KAWABE

CROSS

1 translation of the -- a possible translation of the
2 answer. I hesitate to give a ruling on it, but if
3 the Tribunal will allow me, I would like to say that
4 in our opinion the witness replied:

5 "From my duties or what I was directly
6 connected with and from what I heard from General
7 TADA, I have no clear recollection."

8 I believe, sir, that there is just a
9 slight change in meaning.

10 THE PRESIDENT: We accept Major Moore's
11 interpretation. He is the final authority, he and
12 his two colleagues.

13 Mr. BANNO.

14 MR. BANNO; I object, your Honor, to the
15 question put by the prosecutor. The question is
16 repetitive, your Honor. The question was addressed
17 to the witness prior to the recess, and the witness
18 replied thereto.

19 MR. COMYNS CARR: I will put a different
20 question in that case.

21 THE PRESIDENT: The objection is upheld.
22 BY MR. COMYNS CARR (Continued):

23 Q General KAWABE, do you recall that at the
24 beginning of my cross-examination I drew your atten-
25 tion to those statements in your affidavit and asked

KAWABE

CROSS

1 you whether in the position which you held in the
2 General Staff at that time you were able to know
3 all the matters connected with those discussions
4 sufficiently to justify you in making that statement,
5 and you said you did.

6 What you said exactly was that you did not
7 know all that was going on, but depending on problems
8 you were in a position to know in detail what was
9 being done; and you went on to say that you heard it
10 directly from General TADA.

11 Do you now wish to change that and say
12 that you didn't know about the matter I have been
13 asking you?

14 A Yes, it is exactly as I said before at the
15 outset of the cross-examination, and that was that
16 depending on the problem I was informed in quite
17 detail, depending on the problem, by my superior
18 officers. And this is also a fact, and I have already
19 spoken of it in this Tribunal, and that is that I
20 heard directly -- that I was informed directly by
21 General TADA when I was acting director in the
22 absence of Major General SHIMOMURA during his ill-
23 ness. I have no intention of changing the state-
24 ments I have already made.

25 MR. COMYNS CARR: That concludes my

KAWABE

1 cross-examination, your Honor.

2 Might I just mention that, with regard
3 to exhibit 2235, we have now ascertained that the
4 person named, KUMAGAI, who signed the report of
5 those speeches of the accused SATO was at that
6 time Director of the Employment Bureau of the
7 Welfare Ministry, that is, the ministry of which
8 at that date the accused KIDO was the minister.
9 That can be put on certificate if desired.

10 THE PRESIDENT: If not admitted, it
11 should be proved on oath.

12 Mr. Freeman.

13 MR. FREEMAN: If the Tribunal please,
14 I do not want to impose on the generosity of the
15 Court, but he is speaking of the translator and not
16 the writer.

17 THE PRESIDENT: You may prove to be right,
18 but at present I think you are wrong, Mr. Freeman.

19 Mr. BANNO.

20 MR. BANNO: I wish to conduct the re-
21 direct examination on a few points.
22
23
24
25

KAWABE

REDIRECT

1 REDIRECT EXAMINATION

2 BY MR. BANNO:

3 Q Yesterday, with regard to questions
4 asked by the prosecution, the question arose as
5 to the accuracy or authenticity of documents of the
6 General Staff.

7 THE MONITOR: That is, the burning of
8 the documents of the General Staff?

9 Q (Continuing) Is there any regulation
10 in the army with regard to the preservation of army
11 documents?

12 THE MONITOR: That is, the period of
13 preservation?

14 A Yes, there were stipulations to that effect.

15 Q Can that be called the army orders on
16 internal matters?

17 A It was stipulated in the army order on
18 internal matters, and the various government offices
19 were to apply these stipulations.

20 Q Can it be assumed that with regard to
21 the length of time that these documents should have
22 been preserved -- was it determined according to the
23 importance of the documents?

24 THE PRESIDENT: Mr. Comyns Carr.

25 MR. COMYNS CARR: Your Honor, if there is

KAWABE

REDIRECT

1 a regulation about it we submit it should be pro-
2 duced.

3 THE PRESIDENT: That is so.

4 MR. BANNO: We shall arrange it later
5 and present it.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 BY MR. BANNO:

2 Q How were the time limits for preservation
3 concerning operations plans, strategic plans, made?

4 THE MONITOR: I think permanent preserva-
5 tion.

6 MR. COMYNS CARR: That is subject to the
7 same objection, your Honor.

8 THE PRESIDENT: If you are relying on
9 documents you must produce them or account for
10 them. I have stated that a dozen times.

11 Q What was the approximate time limit for
12 information coming from military attaches stationed
13 abroad?

14 MR. COMYNS CARR: This is still pursuing
15 the same objectionable course that your Honor has
16 already ruled against.

17 MR. BANNO: Your Honor, I am not asking
18 with regard to the time limit of the regulations
19 but, rather, as to what the witness knows or re-
20 calls.

21 THE PRESIDENT: The time limit for docu-
22 ments coming from abroad -- that would not appear
23 to relate to the contents of documents, certainly,
24 except for the dates.

25 Did I understand his question correctly?

KAWABE

REDIRECT

1 I thought he was asking how long it took, on the aver-
2 age, for a document to come from abroad.

3 What was the question?

4 (Whereupon, the last question was
5 read by the official reporter.)

6 THE MONITOR: Time limit for the preserva-
7 tion of documents.

8 THE PRESIDENT: Witness, was that time
9 limit specified by some regulation or other writing?

10 THE WITNESS: They were fixed in accordance
11 with regulations.

12 THE PRESIDENT: We must have the regula-
13 tions.

14 MR. BANNO: The witness said that when the
15 negotiations were being conducted with regard to
16 the acceptance of the Potsdam Declaration by Japan,
17 there was a desire from the Japanese side to have
18 the documents that would concern war crimes trials
19 excluded from the order -- from the terms which pro-
20 hibited the burning of documents.

21 BY MR. BANNO:

22 Q Mr. Witness, do you know anything about
23 that?

24 MR. COMYNS CARR: Your Honor, I object.
25 That is not what the witness said at all. What the

1 witness said was that there was a desire to have
2 the war crimes trial excluded by the terms -- make
3 it a condition that there should be no war crimes
4 trials.

5 THE PRESIDENT: My recollection is the same
6 as yours, Mr. Carr.

7 MR. BANNO: I apologize because my recollec-
8 tion was incorrect.

9 BY MR. BANNO:

10 Q When you refer to people who could have
11 known this information, what were the limits of such
12 people of such a circle -- under what category
13 would these people fall?

14 THE MONITOR: Within what scope were the
15 people who were in the "know" on this matter?

16 THE PRESIDENT: The witness' answer so
17 far has invariably been "depending on the problem."

18 That question is unintelligible unless that
19 is the answer, and that is no answer. Perhaps the
20 translation is at fault.

21 Make another attempt to put that question,
22 Mr. Banno.

23 BY MR. BANNO:

24 Q What was the category or circle or scope
25 of persons who could have known that fact or those

KAWABE

REDIRECT

1 facts?

2 THE INTERPRETER: He doesn't say what fact
3 it is.

4 THE PRESIDENT: What particular fact? What
5 problem?

6 MR. BANNO: I would like to ascertain whether
7 those persons who burned the documents did not know
8 of the orders prohibiting the burning of documents.

9 THE MONITOR: Correction: The point I wish
10 to ask of this witness is this: whether or not the
11 men in charge or responsible for the burning of
12 documents were at that time when they engaged in the
13 burning of documents aware of the fact that there was
14 a term in the Potsdam Declaration with respect to
15 the punishment of war criminals.

16 THE PRESIDENT: How could he read their
17 minds? There would be so many of them.

18 MR. BANNO: I think we can presume, if the
19 fact can be brought out, that such terms were not
20 known at that time generally.

21 THE PRESIDENT: There is a very old English
22 judicial pronouncement: "The Devil himself knows
23 not what the mind of man is."

24 How could he tell us the limits of the
25 knowledge of those people on such a matter?

KAWABE

REDIRECT

1 MR. BANNO: If it can be proved that only
2 those authorities concerned knew --

3 THE MONITOR: I am trying to deal with this
4 matter, Mr. President, as objectively as possible.
5 If the fact is brought to light that only a very
6 few people knew of the terms of the Potsdam Declara-
7 tion, then we would be able to presume that those
8 terms were generally unknown and therefore those in
9 charge of the burning of the documents also were un-
10 informed.

11 THE PRESIDENT: The pronouncement was made
12 to the whole world. It would be impossible to say
13 who heard it and who did not -- that is to say, in
14 military circles in Tokyo, at all events.

15 BY MR. BANNO:

16 Q Before the surrender who were those -- that
17 is, when the negotiations for peace were being con-
18 ducted, who were those who knew of that fact, that
19 is, about the terms concerning the burning of docu-
20 ments?

21 THE PRESIDENT: You can call those who
22 burned the documents and find out from them what they
23 knew about the Potsdam Declaration, or any other declara-
24 tion, if you can't explain why. After all, the people
25 whose minds we want to read are those who made the

KAWABE

REDIRECT

1 order, and they are not many.

2 We will adjourn until half-past one.

3 (Whereupon, at 1200 hours, a recess
4 was taken.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

KAWABE

W
h
a
l
e
n
&
L
u
d
a

AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330, Justice Roling, Member from the Kingdom of the Netherlands, not sitting.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Banno.

- - -

T O R A S H I R O K A W A B E, recalled as a witness on behalf of the defense, resumed the stand.

MR. BANNO: The redirect examination conducted before the recess concerned the burning of documents. But as this matter of the burning of documents will be referred to hereafter, the defense shall call witnesses who were concerned with the burning of documents and also present in the form of evidence the rules which they followed in the burning of the documents. That is because this is a very important matter and the defense is prepared to do this and would like to conclude its redirect.

At the end, I would like to refer to what the prosecution brought out, that is, concerning the conference held between the army, the navy, and the

KAWABE

foreign office on July 23, 1937.

1 THE MONITOR: Bureau chiefs of the army, navy,
2 and the foreign office.

3 MR. BANNO: And, furthermore, evidence con-
4 cerning the so-called conference of the foreign
5 minister, the navy minister and the army minister held
6 on August 7, 1937, and evidence concerning the meeting,
7 so-called meeting held between KONOYE, YONAI,
8 SUGIYAMA, and HIROTA on October 31, 1937, evidence
9 concerning the liaison conference held on January 15,
10 1938.
11

12 At the Tribunal had ruled that it would be
13 advisable to present these documents, the defense
14 will do its best to present these documents as soon
15 as possible.

16 That is all.

17 I wish to have the witness released on the
18 usual terms.

19 THE PRESIDENT: He is released accordingly.

20 (Whereupon, the witness was excused.)

21 THE PRESIDENT: Mr. Williams.

22 MR. G. WILLIAMS: The defense calls as its
23 next witness, FUJII, Shigeru.
24
25

- - -

FUJII

DIRECT

1 S H I G E R U F U J I I, called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

DIRECT EXAMINATION

6 BY MR. G. WILLIAMS:

7 Q Will the witness tell the Tribunal his name
8 and residence?

9 A No. 1402 Suna-machi, Meguro-ku, Tokyo.
10 FUJII, Shigeru.

11 MR. G. WILLIAMS: May the witness be shown
12 defense document No. 1339, please.

13 (Whereupon, a document was handed
14 to the witness.)

15 Q Will you examine that document and tell the
16 Tribunal whether or not that is your affidavit?

17 A This is mine.

18 Q Are the contents thereof true and correct?

19 A Yes.

20 MR. G. WILLIAMS: The defense offers in
21 evidence defense document No. 1339, the affidavit of
22 the witness FUJII, Shigeru.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 1339
25 will receive exhibit No. 2583.

FUJII

DIRECT

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 2583 and received in evidence.)

4 MR. G. WILLIAMS: I shall read the affidavit.

5 "Sworn Deposition of FUJII, Shigeru.

6 "Having first duly sworn an oath as on
7 attached sheet and in accordance with the procedure
8 followed in my country I hereby depose as follows.

9 "From December 30th 1936 till April 5th 1940
10 I was in charge of movements of warships at the Naval
11 Affairs Bureau of the Navy Ministry.

12 "It is stated in Prosecution Document 9550-1
13 that two Japanese destroyers were dispatched to the
14 Indian Ocean to receive a cargo of Shanghai-bound
15 Persian opium but during my term of office there
16 was no case of Japanese destroyers operating in the
17 Indian Ocean.

18 "At the time mentioned by the document,
19 Japan and Britain were on peaceful relations;
20 consequently the Indian Ocean area would have lain
21 outside the sphere of operational activity of the
22 Japanese Navy which would mean that all movements of
23 Japanese warships in that area would have followed the
24 Navy Ministry directives, but there were no directives
25 issued by the Navy Ministry during that period."

FUJII

1 THE PRESIDENT: Brigadier Quilliam.

2 BRIGADIER QUILLIAM: May it please the
3 Tribunal, we do not wish to cross-examine the witness.

4 MR. G. WILLIAMS: May the witness be
5 released on the usual terms, your Honor?

6 THE PRESIDENT: He is released accordingly.

7 (Whereupon, the witness was excused.)

8 MR. G. WILLIAMS: The defense next calls
9 the witness BABA, Shaochi.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

BABA

DIRECT

1 S H A O C H I B A B A, called as a witness on
2 behalf of the defense, being first duly
3 sworn, testified through Japanese inter-
4 preters as follows:

5 DIRECT EXAMINATION

6 MR. G. WILLIAMS: May the witness be shown
7 defense document No. 1290, please?

8 (Whereupon, a document was handed
9 to the witness.)

10 BY MR. G. WILLIAMS:

11 Q Will you examine that document and tell the
12 Tribunal whether or not that is your affidavit?

13 A This is my affidavit.

14 Q Are the contents thereof true and correct?

15 A Yes.

16 MR. G. WILLIAMS: The defense offers in
17 evidence defense document No. 1290, affidavit of the
18 witness BABA, Shaochi.

19 If the Tribunal please, the witness has
20 written two affidavits. It has been suggested that
21 he identify both of them at this time since the prose-
22 cution has some objection to the contents thereof, I am
23 informed.

24 We ask that the witness be shown defense
25 document No. 1444.

BABA

DIRECT

1 (Whereupon, a document was handed
2 to the witness.)

3 Q Will you examine that document also, and
4 state whether or not that is your affidavit?

5 A This is my affidavit without any mistake.

6 Q Are the contents thereof true and correct?

7 A Yes.

8 MR. G. WILLIAMS: Defense also offers in
9 evidence defense document No. 1444, being an addi-
10 tional affidavit of the witness BABA.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

BABA

DIRECT

1 THE PRESIDENT: Brigadier Quilliam.

2 BRIGADIER QUILLIAM: May it please the Tri-
3 bunal, it is submitted that these lengthy affidavits,
4 comprising about 27 pages in all, are objectionable on
5 certain grounds. It is submitted that they are prolix,
6 and that they contain a large amount of argument, opinion,
7 and other irrelevant material.

8 It is further submitted that they are obscure
9 and difficult to understand, and do not assist the
10 determination of the issues in the case. It would
11 appear that in this and other respects they offend
12 against the directions of the Tribunal with regard to
13 affidavits.

14 It is conceded that a certain amount of rele-
15 vant and admissible evidence is scattered about the
16 affidavits and it is difficult on that account to move
17 for the rejection of specific paragraphs. But the
18 following may be referred to as examples of objectionable
19 material:

20 On page 4 of document 1290 there is no refer-
21 ence to important dates. This is important as, in gen-
22 eral, the prosecution case in respect of opium did not
23 go beyond the year 1941. In this instance, and in many
24 other instances, it would appear that the contents of
25 the affidavits are not related to the prosecution case.

BABA

DIRECT

1 On page 5 there is a good deal of material
2 with reference to the subject of treatment which, it is
3 submitted by the prosecution, is irrelevant. There again
4 the period referred to is not indicated.

5 It is further submitted that the contents of
6 page 6 dealing with conditions in central and southern
7 China are irrelevant to the issues in the case. They
8 are merely very vague comments which have no relation
9 to the specific issues.

10 Further, on pages 7 and 8 there are general
11 statements with regard to the opium position in Malaya,
12 Java, Thailand, French Indo-China and also Burma, all
13 of which, it is submitted, are irrelevant.

14 From the middle of page 8 to the end of the
15 affidavit comprises an outline of the anti-opium policy
16 adopted by former Manchukuo.

17 It is submitted that even a short perusal of
18 this matter will show that it is in substance irrelevant.
19 Further, a great deal of it is obscure by reason of
20 omission of dates and other details. It is apparent,
21 however, that much of it relates to the period 1944
22 and 1945 and is not related to the prosecution evidence.

23 On page 12 there is a section commences which
24 deals with the plan for enterprise of the department of
25 publicity. There is no indication as to when this plan

BABA

DIRECT

1 was formulated or how far it was carried out. Indeed,
2 it is lacking in a number of essential details.

3 Turning to the other document, 1444, practically
4 the whole of the 14 pages consist of a general discus-
5 sive account of conditions in North China. Here again
6 it is not clear what period is intended to be covered,
7 but it would appear from the last paragraph on page 3,
8 and other indications, that in substance the whole
9 affidavit is an account of the proceedings of a con-
10 ference held in 1944.

11 A typical example of obscurity is to be found
12 in the last sentence on page 6, the sentence commencing
13 "In short ..."

14 It is submitted that these affidavits are
15 really valueless in their present form. It is recog-
16 nized, if it please the Tribunal, that a protracted
17 cross-examination might result in bringing out the
18 relevant evidence, but it would appear plain that this
19 would take an unreasonable time and would not be justi-
20 fied by the results to be obtained.

21 It is, therefore, respectfully submitted that
22 the Tribunal should direct that the affidavit should
23 be redrawn.

24 THE PRESIDENT: Mr. Williams.

25 MR. G. WILLIAMS: If the Tribunal please, a

BABA

DIRECT

1 large amount of the objection to these affidavits, we
2 submit, can be answered by the one answer of proper
3 cross-examination.

4 THE PRESIDENT: It is the purpose of cross-
5 examination to destroy the evidence and not to improve
6 it. We would not rely upon the cross-examination
7 making clear to us whatever there is of value in this
8 document, or these documents.

9 MR. G. WILLIAMS: Yes, sir, I appreciate that.
10 I referred particularly to matters of dates. The prose-
11 cution has referred to the lack of date for the plan to
12 which the witness refers. This is pointed out, if your
13 Honor please, on page 11 of document 1290 as being 1944.

14 The witness, if your Honor please, is an expert
15 witness whose qualifications are set out on page 1 of
16 document 1290. His affidavit shows that he has written
17 four books and has made extensive investigations over a
18 long period of time into the subjects of narcotics and
19 opium throughout East Asia.

20 THE PRESIDENT: He should have no difficulty in
21 expressing himself clearly if he has those qualifica-
22 tions.

23 He may be the victim of a very bad translation
24 into English, but the translation is dreadful in places.

25 I think we are going to have a very difficult

BABA

DIRECT

1 task in finding anything of value in this affidavit,
2 and I do suggest to you that you consider seriously
3 withdrawing it and substituting something less objection-
4 able. I refer to both affidavits; both are objectionable.
5 However, if you press for their admission I shall have
6 to consult my colleagues.

7 Mr. Williams.

8 MR. G. WILLIAMS: If the Tribunal please,
9 admittedly the documents do not read so well as far as
10 smoothness of translation goes.

11 On the question of the irrelevant material to
12 which Brigadier Quilliam referred, we submit that Sec-
13 tion 4, Appendix A of the Indictment is all-inclusive
14 and includes such matter as Malay, Java, Burma, and so
15 forth.
16

17 Section 4 says, your Honor: "During the whole
18 period covered by this Indictment, successive Japanese
19 Governments, through their military and naval commanders
20 and civilian agents in China and other territories
21 which they had occupied or designed to occupy..." and
22 it refers to the narcotics trade.

23 If the prosecution is willing to stipulate
24 that there is no evidence of opium and narcotics in
25 any areas other than Manchuria and North China, we
shall be willing to omit those parts of the affidavits

BABA

DIRECT

1 and other territories to which they objected.

2 However, Section 4 of the Indictment still
3 stands. Our motions to dismiss were not allowed, your
4 Honor, so we must assume that there is some evidence
5 on all the material in the Indictment.

6 THE PRESIDENT: Brigadier Quilliam.

7 BRIGADIER QUILLIAM: May it please the Tri-
8 bunal, the prosecution offered no evidence with respect
9 to opium except in connection with China and Manchuria.
10 We cannot, therefore, ask the Tribunal to deal with
11 opium questions outside China and North Manchuria.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

BABA

DIRECT

S
p
r
a
t
t
&
y
e
l
d
e
n

1 MR. G. WILLIAMS: Our stipulation, of course,
2 reaches, your Honor, so far as to an agreement with
3 the prosecution that the section 4 of the Appendix A
4 of the Indictment should include only China and Man-
5 churia.

6 THE PRESIDENT: One thing at a time. I
7 think a majority of the Court take the view the affi-
8 davits should be redrafted so as to be concise and
9 relevant and confined to answering the prosecution's
10 evidence.

11 MR. G. WILLIAMS: If the Tribunal please,
12 perhaps we can clear up this question of the evidence
13 as put in by the prosecution and what part of the
14 counts it sustains.

15 THE PRESIDENT: It will not help us to
16 decide what ought to be done with these particular
17 documents. We tell you what we expect you to do. We
18 do not expect you to do more than answer the evidence
19 of the prosecution; that is to say, to meet allegations
20 they make and not to meet allegations that they have
21 not made. If there is anything in the Indictment which
22 is not supported by their evidence we will deal with
23 the position at the proper time but not now. They have
24 closed their evidence. You know exactly what evidence
25 the prosecution is going to be giving on the counts

BABA

DIRECT

1 subject to evidence on rebuttal.

2 MR. G. WILLIAMS: The reason I raised the
3 point, your Honor, in the redrafting of the affidavits
4 we should not know what should be included or excluded.

5 THE PRESIDENT: I repeat: Your affidavits
6 in reply to the prosecution's must be concise, rele-
7 vant and confined to the evidence or to meet the
8 evidence of the prosecution. I could not be clearer.
9 If in the Indictment there are allegations not sup-
10 ported by evidence those allegations will be struck
11 out or disregarded, or findings will be made in
12 favor of the defense on them, or the Indictment dis-
13 charged as to those allegations. Do you still per-
14 sist with these documents?

15 MR. G. WILLIAMS: We have been somewhat
16 uncertain, your Honor, because as I have pointed out our
17 motions were dismissed and the Indictment is a long
18 one from 1928 to 1945 covering the most intertangled
19 and most complex mass of evidence that could have
20 been presented, I think.

21 THE PRESIDENT: Are you pressing for the
22 admission of these two documents?

23 MR. G. WILLIAMS: If the Tribunal please,
24 in the light of the things which have been pointed out
25 we do press for the admission of the documents,

BABA

DIRECT

1 omitting those portions such as Java and Thailand,
2 as to which the prosecution has indicated that they
3 have no evidence.

4 I might point out, your Honor, that we,
5 of course, don't know what might be brought up on
6 rebuttal so far as the prosecution is concerned.

7 THE PRESIDENT: The rebuttal must be of
8 your evidence, not something additional to theirs.

9 By a majority the Court upholds the ob-
10 jections and rejects the documents.

11 MR. G. WILLIAMS: We ask that the witness
12 be stood down, your Honor.

13 THE PRESIDENT: He is stood down according-
14 ly. He may be recalled when you have a proper affi-
15 davit.

16 (Whereupon, the witness was excused.)

17 MR. G. WILLIAMS: Mr. Furness will proceed
18 with the presentation of other evidence.

19 THE PRESIDENT: Major Furness.

20 MR. FURNESS: If the Court please, this
21 will be subdivision 6 of the China phase. Our work
22 is, of course, divided among counsel and the fact that
23 one counsel is appearing does not imply that his
24 client is necessarily involved except possibly on
25 the conspiracy charges.

SHIMIZU

DIRECT

1 We call as our first witness the witness
2 SHIMIZU. His affidavit is defense document 1352.
3 T O Z O S H I M I Z U, called as a witness on
4 behalf of the defense, being first duly sworn,
5 testified through Japanese interpreters as
6 follows:

DIRECT EXAMINATION

BY MR. FURNESS:

Q Please state your name, age and address.

10 A My name: SHIMIZU, Tozo. My present
11 address: No. 19 Ogikubo, 1-Chome, Suginami-ku, Tokyo.
12 My age: 54.

13 MR. FURNESS: If your Honor please, I under-
14 stand that this affidavit is not yet in court but
15 has been sent for.

16 THE PRESIDENT: Has it been served on the
17 Clerk of the Court or left with him?

MR. FURNESS: I understand it has.

19 I ask that the witness be shown defense
20 document 1352.

Q Is that a copy of your affidavit?

A Yes.

Q Are its contents true and correct?

A Yes.

MR. FURNESS: I offer defense document 1352

in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 I understand from the acting Clerk of the
3 Court that he has not the original nor any copies.
4 You have departed from the order of proof, I think,
5 Major Furness.

6 MR. FURNESS: Yes, your Honor, I apologize
7 for doing so but we have.

8 THE PRESIDENT: The court officials will
9 not be ready if you make these departures without
10 notifying them. According to the papers before us
11 you chose the eighth document on which to start.

12 MR. FURNESS: We regret it very much. We
13 thought the other witness would continue and that we
14 would then introduce the report of the Commission
15 which took testimony from the witness ISHIHARA.

16 THE PRESIDENT: The witness is stood down.
17 He will be recalled or may be recalled when the original
18 is available.

19 (Whereupon, the witness was excused.)
20
21
22
23
24
25

1 MR. FURNESS: I regret your Honor, that
2 we must depart from our order of proof, and I
3 therefore offer defense document No. 1387. This is
4 attached to defense document 1282.

5 THE PRESIDENT: Have the court officials
6 either document?

7 Mr. Tavenner.

8 MR. TAVENNER: If the Tribunal please,
9 this is a medical certificate which indicates the
10 illness of the witness, KAGESA, Yoshiaki. The
11 prosecution on its own initiative has made some
12 investigation of the condition of health of this
13 individual, and we find that a medical examination
14 was made on April 4 by SCAP representatives, and we
15 are convinced that the man is not in condition of
16 health to be present in court.

17 THE PRESIDENT: Is he the deponent of
18 the affidavit called defense document 1282?

19 MR. TAVENNER: Yes.

20 THE PRESIDENT: Well, we have yet to get
21 that document. The Clerk of the Court tells me that
22 these documents were thrown at him at the last
23 moment and he has not had time to find out what
24 they are.

25 Well, we are sitting here with no

1 MR. FURNESS: I regret your Honor, that
2 we must depart from our order of proof, and I
3 therefore offer defense document No. 1387. This is
4 attached to defense document 1282.

5 THE PRESIDENT: Have the court officials
6 either document?

7 Mr. Tavenner.

8 MR. TAVENNER: If the Tribunal please,
9 this is a medical certificate which indicates the
10 illness of the witness, KAGESA, Yoshiaki. The
11 prosecution on its own initiative has made some
12 investigation of the condition of health of this
13 individual, and we find that a medical examination
14 was made on April 4 by SCAP representatives, and we
15 are convinced that the man is not in condition of
16 health to be present in court.

17 THE PRESIDENT: Is he the deponent of
18 the affidavit called defense document 1282?

19 MR. TAVENNER: Yes.

20 THE PRESIDENT: Well, we have yet to get
21 that document. The Clerk of the Court tells me that
22 these documents were thrown at him at the last
23 moment and he has not had time to find out what
24 they are.

25 Well, we are sitting here with no

1 assurance that we will have any documents pre-
2 sented to us. We will take our recess now in
3 the hope that in fifteen minutes time we may be
4 ready to go on.

5 We will recess for fifteen minutes.

6 (Whereupon, at 1430, a recess
7 was taken until 1453, after which the
8 proceedings were resumed as follows:)

9 MARSHAL OF THE COURT: The International
10 Military Tribunal for the Far East is now resumed.

11 LANGUAGE ARBITER (Major Moore): Mr.
12 President.

13 THE PRESIDENT: Major Moore.

14 LANGUAGE ARBITER (Major Moore); In the
15 statment made by counsel BANNO at the beginning of
16 the afternoon session the following correction should
17 be made: Where the words are, "The defense will do
18 its best," the reading should be, "The defense hopes
19 that these documents will be presented as soon as
20 possible."

21 THE PRESIDENT: Major Furness.

22 MR. FURNESS: With the Court's permission,
23 Mr. Mattice will now take over the lectern.

24 THE PRESIDENT: Mr. Mattice.

25 MR. MATTICE: May it please the Tribunal,

1 the defense now desires to move for the publication
2 of the deposition of ISHIHARA, Kanji.

3 THE PRESIDENT: You tender it as your
4 evidence? Somebody has to tender it.

5 MR. MATTICE: And the defense now offers
6 in evidence the deposition of ISHIHARA, Kanji,
7 taken on the commission appointed by this Tribunal.

8 THE PRESIDENT: It is covered by a report
9 by the Honorable Mr. Justice Northcroft, but should
10 be read by the Clerk of the Court.

11 The evidence is admitted on the usual
12 terms.

13 Mark the evidence taken by the Honorable
14 Mr. Justice Northcroft as an exhibit.

15 CLERK OF THE COURT: The deposition of
16 ISHIHARA, Kanji, taken before Justice Northcroft,
17 will be given exhibit No. 2584.

18 (Whereupon, the document above
19 referred to was marked defense exhibit
20 No. 2584 and received in evidence.)

21 THE PRESIDENT: The report of the
22 Honorable Mr. Justice Northcroft to the Court will
23 be read by my associate in the absence of the
24 Clerk.

25 MR. CUPPAIDGE (Reading):

1 the defense now desires to move for the publication
2 of the deposition of ISHIHARA, Kanji.

3 THE PRESIDENT: You tender it as your
4 evidence? Somebody has to tender it.

5 MR. MATTICE: And the defense now offers
6 in evidence the deposition of ISHIHARA, Kanji,
7 taken on the commission appointed by this Tribunal.

8 THE PRESIDENT: It is covered by a report
9 by the Honorable Mr. Justice Northcroft, but should
10 be read by the Clerk of the Court.

11 The evidence is admitted on the usual
12 terms.

13 Mark the evidence taken by the Honorable
14 Mr. Justice Northcroft as an exhibit.

15 CLERK OF THE COURT: The deposition of
16 ISHIHARA, Kanji, taken before Justice Northcroft,
17 will be given exhibit No. 2584.

18 (Whereupon, the document above
19 referred to was marked defense exhibit
20 No. 2584 and received in evidence.)

21 THE PRESIDENT: The report of the
22 Honorable Mr. Justice Northcroft to the Court will
23 be read by my associate in the absence of the
24 Clerk.

25 MR. CUPPAIDGE (Reading):

"REPORT OF THE HONOURABLE MR. JUSTICE

1 NORTHCROFT (MEMBER FOR NEW ZEALAND), COMMISSIONER
2 APPOINTED TO TAKE EVIDENCE OF WITNESS ISHIHARA, Kanji.

3 "WHEREAS, on the 25th day of April 1947
4 the Tribunal ordered that the evidence of ISHIHARA,
5 Kanji, a witness whose testimony was sought by
6 counsel for the defendants in this trial and who
7 on account of illness was unable to attend before
8 the Tribunal in Tokyo, should be taken upon com-
9 mission before me; and

10 WHEREAS, on Thursday and Friday, the
11 1st and 2nd days of May 1947, the witness ISHIHARA,
12 Kanji, appeared before me at the City of Sakata in
13 the Prefecture of Yamagata and (I being satisfied
14 that the witness was in possession of his mental
15 faculties and fit to give evidence) his evidence
16 was duly heard and taken; and

17 WHEREAS, Messrs. Mattice, Floyd J; Levin,
18 Michael; Warren, Franklin E. N.; Williams, George C.;
19 OKAMOTO, T.; BANNO, Junkichi; SASAGAWA, Tomoji; and
20 KANAUCHI, Ryosuke, of counsel for the defense, and
21 Mr. Dunigan, of counsel for the prosecution, were
22 present at the hearing, and the witness was examined
23 and cross-examined by counsel on behalf of the defense
24 and the prosecution;
25

G
r
e
e
n
b
e
r
g
&
N
o
r
t
h
c
r
o
f
t

1 "AND WHEREAS Court Reporters, Interpreters
2 and a Language Arbitrator were present throughout the
3 hearing; AND WHEREAS all the proceedings at the hear-
4 ing were duly translated into English and Japanese.

5 "NOW THEREFORE, I, E. H. NORTHCROFT, Member of
6 the International Military Tribunal for the Far East,
7 HEREBY REPORT to the Tribunal that the evidence of
8 the witness ISHIHARA, Kanji, has been duly taken on
9 commission before me in accordance with the order of
10 the Tribunal of 25th April 1947, AND I HEREBY CERTIFY
11 that the transcript of proceedings attached hereto,
12 comprising 156 pages numbered successively 1 to 156,
13 signed by me, is a true correct and complete record of
14 the proceedings of the Commission and that the docu-
15 ment also attached hereto and marked with the letter
16 "A" is the affidavit of the said witness tendered as
17 an exhibit in the course of the said proceedings."

18 THE PRESIDENT: You tender the affidavit, also,
19 I take it, Mr. Mattice.

20 THE INTERPRETER: Mr. President and Members
21 of the Tribunal, this is the Language Section. In
22 the absence of a Japanese translation of the report
23 made by the Honorable Justice Northcroft, a simultaneous
24 translation was not possible in Japanese.

25 THE PRESIDENT: Well, we will have to wait

ISHIHARA

DIRECT

1 here until you translate it under the relay system.

2 The report will be filed.

3 Exhibit 2584 includes the affidavit.

4 MR. MATTICE: Very well, your Honor. In that
5 respect, at the taking of the deposition the original
6 affidavit was offered and was received by the Commissioner
7 and is part of the deposition.

8 Omitting the formal parts and including the
9 reading before the Commissioner of the Order of
10 Commission to take the deposition, and beginning on
11 page 7 of the deposition, I desire to read the same
12 to the Tribunal.

13 (Reading:)

14 K A N J I I S H I H A R A, called as a witness
15 on behalf of the defense, being first duly
16 sworn, testified through Japanese interpreters
17 as follows:

18 THE COMMISSIONER: Will you proceed, Mr.
19 Mattice.
20

21 DIRECT EXAMINATION

22 BY MR. MATTICE:

23 Q You may state your name and address, please.

24 A ISHIHARA, Kanji, Yamagata-Ken, Hokai-Gun,
25 Takase-Mura, Sugano.

1 Q Will you look at the instrument which I
2 now hand you and tell the Commissioner whether that is
3 your affidavit?

4 A Yes, that is my affidavit.

5 Q Are the statements in that affidavit true
6 and correct?

7 A Yes, they are.

8 Q Are there any corrections which you desire to
9 make?

10 A There is a mistake concerning the period of
11 time in which I served as Staff Officer of the Kwantung
12 Army. I should like to correct that misstatement.

13 Q Does that appear in the first paragraph of the
14 affidavit?

15 A Yes, it is before the first paragraph --
16 the first numbered paragraph.

17 Q The first literary paragraph?

18 A Yes.

19 Q All right; what is the mistake?

20 A The affidavit states that I was in charge of
21 operations as staff-officer of the Kwantung Army from
22 March, 1929. I should like to correct that date to
23 read October, 1928.

24 Q Any other corrections, Mr. ISHIHARA?

25 A No.

ISHIHARA

DIRECT

1 A No.

2 MR. MATTICE: We now offer this affidavit
3 in evidence, if the Commissioner please.

4 MR. DUNNIGAN: If Your Honor please, the
5 prosecution at this time desires to object to certain
6 portions of the affidavit and we move to strike out,
7 beginning on page 11 of the affidavit --

8 THE COMMISSIONER: You are referring there to
9 the English translation of the affidavit.

10 MR. DUNNIGAN: Yes, sir.

11 THE COMMISSIONER: Yes.

12 MR. DUNNIGAN: The fourth line from the bottom
13 of that page beginning with the words "at about 6
14 p.m." and continuing on page 12 to the beginning
15 of the second complete paragraph thereon, ending with
16 the words "conform to this principle." (End of reading.)

17 MR. MATTICE: I may say, if the Tribunal
18 please, with respect to that and at least one other
19 objection, in view of the Tribunal's previous rulings
20 with respect to accounting for the absence of originals,
21 texts of which are offered in evidence, we will not
22 at this time seek to read into evidence that part of
23 ISHIHARA's affidavit which sets out quotations from
24 instruments in writing. We will pass those for the
25 present and when and if we obtain, as we are now

endeavoring to obtain from the War Department at
1 Washington, the originals we will seek the Tribunal's
2 permission to then introduce such quotations.

3 For the purpose of having complete understand-
4 ing with respect to the matter about which I am now
5 speaking, it is not the intention or purpose of the
6 defense to offer in evidence at this time those
7 portions of the affidavit of ISHIHARA which purport
8 to quote from written statements. In line with that
9 purpose I will not read the next two or three pages
10 of the deposition, that is, pages 9, 10 and 11.
11 Beginning at the bottom of page 10 -- I inadvertently
12 said 9, 10 and 11. I should have said 9 and 10.

13 Beginning again at the bottom of page 10:

14 (Reading continued)
15
16
17
18
19
20
21
22
23
24
25

ISHIHARA

1 MR. DUNIGAN: I have another objection,
2 your Honor.

3 Prosecution desires to object and moves to
4 strike out that portion of the affidavit beginning
5 with the words "and at about 6 p.m. on the same day"
6 in the third line of the third complete paragraph
7 on page 12.

8 THE COMMISSIONER: Is this another objection
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ISHIHARA

1 on the same ground?

2 MR. DUNIGAN: Yes, your Honor; and continuing
3 on --

4 THE COMMISSIONER: Might it be convenient
5 if I indicate that my ruling would, of necessity,
6 govern any such objections which you are entitled
7 to present again at the Tribunal, or do you think
8 you would be prejudiced by that course?

9 MR. DUNIGAN: I do not think I would be
10 prejudiced, your Honor. I merely wanted to indicate
11 the extent of the objection, the ending of it and
12 continuing throughout --

13 THE COMMISSIONER: Very well.

14 MR. DUNIGAN: -- and continuing throughout
15 on page 12, ending with the words "upon this principle
16 in the future."

17 THE COMMISSIONER: Where does that occur?

18 MR. DUNIGAN: That is in the third complete
19 paragraph on page 12.

20 THE COMMISSIONER: I had not found the
21 conclusion.

22 MR. DUNIGAN: That is down about --

23 MR. MATTICE: The 8th line.

24 MR. DUNIGAN: -- the 8th line from the bottom.

25 THE COMMISSIONER: "Upon this principle in

1 the future." Yes; very well. That objection will
2 be recorded in the proceedings and will be subject
3 to the same decision as I have given at the earlier
4 one.

5 MR. DUNIGAN: Prosecution objects to and
6 moves to strike out that portion of the affidavit
7 on page 15 in the third complete paragraph, beginning
8 on that page with the words "These bombs were in the
9 size of 7 c.m." and continuing throughout the rest
10 of page 15, ending with the word "insignificant."
11 That objection is based upon the ground that statements
12 therein are speculative and argumentative and have
13 no bearing upon this proceeding whatsoever.

14 THE COMMISSIONER: Yes, Mr. Mattice.

15 MR. MATTICE: Mr. Commissioner, I see no
16 objection to the first sentence of that paragraph.
17 That states a fact. The bombs were of a certain size
18 and were dropped by hand. The remainder of the
19 paragraph, I am frank to concede, perhaps ought to go
20 out.

21 THE COMMISSIONER: Yes. The attitude of
22 the defense is proper about it and I agree as to the
23 first sentence which I think is not objectionable.

24 MR. DUNIGAN: Very well.

25 THE COMMISSIONER: The remainder of the

1 passage objected to is not admitted into evidence.

2 (End of reading)

3 MR. MATTICE: I am reading now from page
4 13.

5 (Reading Continued)

6 "MR. DUNIGAN: Prosecution objects to and
7 moves to strike out that portion of the affidavit
8 beginning with the second line at the bottom of page
9 16 with the words "As a matter of fact" and continuing
10 throughout on page 17 to the 11th line on that page,
11 ending with the words "encroachment upon the Far
12 East." Objection to that portion of the affidavit
13 is based upon the ground that it purports to state
14 an opinion of the witness, and, with respect to cer-
15 tain matters, matters to which the witness is not
16 competent to testify, and even if he were competent,
17 such matters would have no bearing upon this proceed-
18 ing.

19 THE COMMISSIONER: I do not need to hear
20 from you, Mr. Mattice.

21 The objection is overruled, because, although
22 opinion is stated, it purports to give the reasons
23 moving those in the Kwantung Army for the action it
24 took. Those reasons may be open to challenge, but
25 this witness is entitled to give those reasons, even

1 though they embody opinions.

2 MR. DUNIGAN: With respect to your Honor's
3 ruling, I should like to state again that with respect
4 to the very last portion of the previous objection,
5 beginning with the words "The reason why Britain and
6 U.S." -- on page 17 -- "supported us in our war with
7 Russia was to check the Russian encroachment upon
8 the Far East," was with respect to that portion of
9 the objection that I stated that in my opinion the
10 witness was not competent to testify, and, even if
11 he were, it would have no bearing upon this proceed-
12 ing.

13 THE COMMISSIONER: I do not propose to reopen
14 my ruling, but, of course, it is open to you, Mr.
15 Dunigan, to discuss it further upon the presentation
16 of the deposition. (End of reading)

17 MR. DUNIGAN: If the Tribunal please, the
18 prosecution at this time would like to renew the ob-
19 jections just read.

20 THE PRESIDENT: It will be considered in due
21 course. Read on, Mr. Mattice.

22 MR. MATTICE (Reading):

23 MR. DUNIGAN: Very well. I have no further
24 objections to the affidavit, your Honor.

25 THE COMMISSIONER: With these exceptions

ISHIHARA

1 then, the document is admitted into evidence and for
2 convenience will be designated by the letter "A."

3 (Whereupon, the document above re-
4 ferred to was marked defense exhibit A and
5 received in evidence.)

6 THE COMMISSIONER: As these proceedings will
7 be reread before the Tribunal, as I assume all coun-
8 sel are familiar with this document, I conceive it
9 is unnecessary to have the document read in English
10 at this stage.

11 Have you any objection to that course, Mr.
12 Dunigan?

13 MR. DUNIGAN: Pardon, sir?

14 THE COMMISSIONER: Have you any objection
15 to the document not being read?

16 MR. DUNIGAN: No objection.

17 THE COMMISSIONER: That being so, I will
18 direct the recording staff to transcribe the document
19 in these proceedings as if it had been read.
20

21 (Whereupon, the English translation
22 of defense exhibit A is copied into the
23 record as follows:)
24
25

1 "I was in charge of operations as a staff-
2 officer of the Kwantung Army from October, 1928 to August,
3 1932, and concerned with the Manchurian Incident which
4 was touched off by the Mukden Incident in September, 1931.
5 So I shall state hereby on the actions of the Kwantung
6 Army at that time, laying stress on its military move-
7 ments, as they relate to the Manchurian Incident.

8 "(1) On the general situation with special
9 reference to the military position of Japan before
10 the Manchurian Incident.

11 "At the time when Japan obtained the right
12 to station her troops in Manchuria after the Russo-
13 Japanese War, the Chinese forces in four north-
14 eastern provinces were so meager that Japan could
15 manage to defend the far-stretching South Manchuria
16 Railway and also to protect her residents with the
17 small force allowed by the treaty. But after the col-
18 lapse of Ching Dynasty, it happened that Chang Tse-lin
19 grew powerful and started to have an ambitious eye to
20 things within the Great Walls, gradually increasing
21 his forces. His policy in Manchuria was influenced
22 by the campaign for recovery of lost national rights
23 then prevailing all over China and tended to aim at
24 driving out the Russo-Japanese influences from Manchuria.
25 So the movement of his forces became a considerable

1 factor in considering Manchurian affairs.

2 "After Chang Tso-lin was killed by bombs,
3 his successor, Chang Hsui-liang, declared his alleg-
4 iance to the Kuomintang. So, the Kuomintang influence
5 made a steady inroad on the north-eastern area, insti-
6 gating and organizing anti-Japanese campaigns, until
7 it affected the North-eastern Army, the importance
8 of which could no longer be disregarded.

9 "Chang Hsui-liang was appointed Vice-Commander
10 of the Kwantung Army upon his declaration of allegiance
11 to the Nanking Government. He attempted to re-organize
12 his forces, and to reinforce their armaments in both
13 quantity and quality namely, maintenance of a standing
14 strength amounting to 220,000, enlargement of the
15 munitions factory in Mukden, equipping his forces with
16 tanks, airplanes and other modern arms, and strength-
17 ening of training systems, etc. They were superior
18 in numbers and equipment to our forces in Manchuria
19 at that time, and were in high spirits with elated
20 anti-Japanese sentiments. Their disposition was re-
21 arranged into an encircling position so that they
22 besiege those areas occupied by our army along the
23 South Manchuria Railway. In the face of such a chal-
24 lenging attitude, the Kwantung Army scattered in an
25 extensive area was placed in a dangerous position from

1 a military point of view. Organized actions against
2 or in contempt of Japan were committed under the leader-
3 ship of the North-Eastern army authorities while our
4 railway-guards were on duty or in training. In the
5 face of various kinds of successive interruptions and
6 accidents, and the distress and misery, from which the
7 Japanese residents suffered, our Kwantung Army was
8 driven to the extreme limit of indignation.

9 "In order to cope with the threatening situation
10 produced by the change of military conditions in general
11 in the north-eastern China, the Kwantung Army in the
12 field made a proposal to increase the numbers and re-
13 arrange its forces to the central military authorities.
14 However, it was not accepted. So the Japanese forces
15 remaining-in its peace-time disposition, had to be ex-
16 posed to the superior Chinese forces burning with anti-
17 Japanese sentiments: on the other hand, no effective
18 diplomatic steps were taken except the lip service to
19 alleviate the situation. The relation between the
20 two forces was on the verge of explosion as if sitting
21 on top of a volcano.

22 "(2) On the outline of operational preparations
23 by the Kwantung Army at the time of the Incident.
24 Besides its usual duty of guarding the South Manchuria
25 Railway and also of defending the Kwantung Province, the

1 Kwantung Army was in charge of covering the concen-
2 tration of our main forces in Manchuria, in the possible
3 event of hostilities between Soviet Russia and Japan,
4 which might be touched off by the Soviet encroachment
5 on the Manchurian territory. Necessary preparations
6 were always made for such a duty in view, which, of
7 course, were of a defensive nature as to expect to
8 give a blow at the advancing enemy in the northern
9 part of South Manchuria in case the enemy should attack
10 the south after occupying the northern areas. So the
11 Chinese army was not our original objective of opera-
12 tional preparations. But, as previously stated, the
13 north-eastern situation was steadily growing worse
14 and finally it came to be feared that the Chinese
15 army burning with anti-Japanese sentiments might
16 clash with our forces. So, according to the order
17 and instructions received from the central headquarters
18 of supreme command preparations for the worst had been
19 made for the preceding several years in order to
20 execute the duty even by force. Our ill-equipped
21 forces of about 10,000 remained at that time in their
22 usual disposition, dispersed along about 1,000 K. m.
23 of the South Manchuria Railway line south of Changchun,
24 encircled by the Chinese forces of 200,000 strength.
25 There were thousands or tens of thousand of Chinese

(p.5)

1 forces stationed in Mukden. Changchun, Chuangte, and
2 Fenghwang-cheng, and the commander's notice was posted
3 in every barrack of the Wang I-che's Brigade announcing
4 his firm resolution against Japan to stir up hostile
5 feelings. Under such circumstances the Kwantung Army
6 established an operational plan to settle whatever
7 incident might happen, in the shortest possible time
8 and finished all the preparations regarding education,
9 training, transportation etc. Our tactics were to
10 forestall the enemy, concentrating all our
11 strength to Mukden to deal a fatal blow to the
12 military centre of Mukden and the pick of the North-
13 eastern Army if our main forces should be obliged to
14 take actions in the conflict between Japan and China
15 regardless of the place of the conflict.

16 "It required a scrupulous planning and preparation,
17 a strong unity and careful training of troops to dis-
18 charge this difficult duty with so small a force
19 available. So, every unit was required to maintain
20 strict discipline and strong unity and to conduct
21 education and training to the point and adaptable
22 to actual fightings.

23 "When Commander HONJO replaced General HISHIKARI
24 in August, 1931, he understood the gravity of the
25 situation in view of the Captain NAKAMURA case;

1 portation of the forces, we had the confidence in our
2 ability to start it about an hour after the alarm was
3 received, but, I regret to say that it took in actually
4 about four hours at the very moment of the incident.
5 In view of the superiority of the enemy in its
6 armaments, especially in mortar, tank or airplane,
7 our forces devoted themselves to the training in our
8 favorite night or wall-attack, with such intensity as
9 to develop a fighting spirit strong enough to meet
10 the opposing forces however great the odds might be.

11 "(3) On the relation between the operational
12 preparations of the Kwantung Army and the outsiders.

13 "At the time of the outbreak of the Manchurian
14 Incident, the Commander of the Kwantung Army was
15 Lieutenant-general HONJO, Shigeru, who, as previously
16 stated, succeeded General HISHIKARI in August, 1931.
17 The chief of staff was Major-general MIYAKE, Koji,
18 the senior staff-officer was Colonel ITAGAKI, Seishiro,
19 who succeeded Colonel KAWAMOTO after the latter was
20 obliged to be transferred following the death of Chang
21 Tsu-lin by bombing. The operational staff-officer was
22 myself. There were also some other staff officers of
23 the ranks of major or captains.

24 "The chief of the Mukden Special Ser. Organ
25 was Colonel DOHIMARA, Kenji, who succeeded Major-general

1 portation of the forces, we had the confidence in our
2 ability to start it about an hour after the alarm was
3 received, but, I regret to say that it took in actually
4 about four hours at the very moment of the incident.
5 In view of the superiority of the enemy in its
6 armaments, especially in mortar, tank or airplane,
7 our forces devoted themselves to the training in our
8 favorite night or wall-attack, with such intensity as
9 to develop a fighting spirit strong enough to meet
10 the opposing forces however great the odds might be.

11 "(3) On the relation between the operational
12 preparations of the Kwantung Army and the outsiders.

13 "At the time of the outbreak of the Manchurian
14 Incident, the Commander of the Kwantung Army was
15 Lieutenant-general HONJO, Shigeru, who, as previously
16 stated, succeeded General HISHIKARI in August, 1931.
17 The chief of staff was Major-general MIYAKE, Koji,
18 the senior staff-officer was Colonel ITAGAKI, Seishiro,
19 who succeeded Colonel KAWAMOTO after the latter was
20 obliged to be transferred following the death of Chang
21 Tsu-lin by bombing. The operational staff-officer was
22 myself. There were also some other staff officers of
23 the ranks of major or captains.

24 "The chief of the Mukden Special Ser. Organ
25 was Colonel DOHIMARA, Kenji, who succeeded Major-general

1 SUZUKI, Yoshimichi in August, 1931, and the military
2 adviser of Chang Hsui-liang was Lieutenant-colonel
3 SHIBAYAMA, Kenshiro. There were also some other
4 military instructors engaged by the North-eastern
5 Army. The Commander of the 2nd Division was Lieutenant-
6 general TAMON, Jiro, and the commander of the Independent
7 Garrison was Lieutenant-general MORI, Ren. None of
8 these officers had

1 any connection with the so-called 'March Incident', nor.
2 were they the members of the SAKURA (Cherry) Association.
3 I had no opportunity to have intimate talks with Colonel
4 HASHIMOTO, Kingoro, or Doctor OKADA, Shumei before the
5 Manchurian Incident. As, sharp criticisms were made in
6 Japan concerning the actions of the Kwantung Army, es-
7 pecially after the death of Chang Tsuo-lin, the leaders
8 of the Kwantung Army, including the former commanders,
9 General HISHIKUBAI and General FATA (Eishiro), gave
10 the forces a strict warning against rash actions. Colonel
11 ITAGAKI, in particular as the senior staff-officer, had
12 a Perfect-Control over the headquarters' staff officers,
13 so he was confident that no one would dare to attempt
14 an irregular conduct. But, in view of the anti-Japan-
15 ese atmosphere in China, especially of her troops'
16 hostile feelings and insubordinate movements, and also
17 in the face of the failure of various diplomatic ne-
18 gotiations between Japan and China inspite of our con-
19 ciliatory attitude the whole army, including its com-
20 mander, staff officers, force-commanders, officers and
21 men entertained the idea that an armed conflict was
22 inevitable. So the Kwantung Army continued to study,
23 in such great earnestness, its peculiar operational
24 preparations for the worst, as well as the measures to
25 be taken in order to maintain peace and order, that

1 there was no staff-officer in the headquarters at Port
2 Arthur who was absent on private business even on Sundays.
3 All the units did their best day and night in training and
4 execution of their guard duties.

5 "When the so-called 'October Incident' took
6 place after the Manchurian Incident, it was suspected
7 in Tokyo that the Kwantung Army might declare inde-
8 pendence and that troubles might be caused in concert
9 with the Kwantung Army. Telegrams in violent tones
10 were received, and General SHIRAKAWA came to Manchuria
11 to appease the Army. But the forces in the field which
12 were quietly striving to do their duties could not help
13 sneering at the confusion in the central authorities.
14 It is true that there were some civilians in the South
15 Manchurian Railway and other circles, who had various
16 opinions on the Manchurian Problems but no member of
17 the Kwantung Army including myself had ever conspired
18 with them to cause the incident. (4) On the Out-break
19 of the 'Sept. 18th Incident' and the resolution and
20 measures taken by the Commander of the Kwantung Army.

21 "On September 18th, 1931, General HONJO ended
22 his occasional inspection in connection with this first
23 round of inspection at Liaoyang and was delivering an
24 address to the 2nd Division, when there came a telegram
25 addressed to Commander HONJO from the Chief of Staff

1 MIYAKE at Port Arthur, requesting him to ask the Staff-
2 officer ITAGAKI or ISHIHARA (1) to stay in Mukden, as
3 Major-general TAKEKAWA was to arrive there from Tokyo.
4 Then Commander HONJO ordered ITAGAKI to go to Mukden,
5 and returned to Port Arthur that night accompanied
6 by the other members of the staff including myself.
7 At that very mid-night, I was called up by Staff-officer
8 NAKANO, who requested me to go at once to the official
9 residence of the chief of staff. I hurried up to the
10 place, not far from the headquarters, where I found
11 all the members of the staff, including Lieutenant
12 Colonel TAKESHITA, in Japanese clothes, called together
13 by Staff-officer Captain KATAKURA. Then I was shown the
14 first military top secret telegram stating that the 2nd
15 Infantry Battalion of the Independent Garrison at Mukden
16 was moving to the field upon receiving a report that
17 after 10:00 p.m. Sept. 18 the outrageous Chinese troops
18 destroyed the S.M.R. Railway at a point on the west side
19 of Pei-tayin in Mukden, and attacked our guards with a
20 resultant clash. Then chief of staff, MIYAKE, called up
21 the Commander at his official residence, asking him to
22 come to the headquarters, where we ourselves went to work
23 out remedial measures. At about 0028 we received the
24 second telegram from the Mukden Special Service Organ,
25 stating that the enemy in Pei-tayin with three or four
company strength exploded the S.M.R. Railway; that our

1 Hushitai Company was fighting with some 5 or 6 hundred
2 enemies after 11 p.m.; that a portion of Pei-tayin was
3 occupied by us; that the enemy was increasing machine
4 and infantry-guns; that the company was in great diffi-
5 culty and disadvantage, and that Lieutenant NCDA was
6 seriously wounded. Then appeared the Commander of the
7 Army, after a careful study the whole staff arrived
8 at the following conclusion:

9 "The expected worst has unfortunately come
10 owing to outrageous acts on the part of China; the limit
11 of patience is reached. There is no knowing how the
12 situation may aggravate even during this night unless
13 we take a resolute measure to chastise the enemy. There
14 is no time to lose. We must resolutely mobilize the
15 whole strength of our military might to seal the fate
16 of the enemy within the shortest possible time.'

17 "When I expressed my opinion as the operational
18 officer to General HONJO to that effect, he meditated
19 a few minutes with his eyes closed, and then, judging
20 from the general situation, he made a final decision,
21 saying resolutely, 'Yes, let it be done on my own
22 responsibility.' We were all silent with deep emotion,
23 and felt a great responsibility in the face of such a
24 solemn, weighty resolution. Moreover, in spite of our
25 usual operational plans, Commander HONJO ordered our

1 forces not to concentrate in Mukden but to remain in
2 Chang-chun in preparation against the enemies from
3 Kuan-chengtzu and Nanling, or from Kirin. In view of
4 the war situation in the neighborhood of Mukden, he
5 adopted the course of gradually increasing our strength
6 in order to make an attack instead of concentrating
7 the main forces in Mukden. According to this decision
8 and the general principle concerning the disposition
9 of our units as indicated by the Commander, the usual
10 operational plans were altered, and the orders were
11 issued by telephone between 1:30 and 2:30 a.m. on
12 September 19, to the following effect: The Commander
13 of the Second Division in Liaoyang should make an
14 attack upon Mukden and its neighborhood; the commander
15 of the Independent Garrison in Kungchuling should con-
16 centrate its 1st and 5th battalions near Mukden; the
17 commander of the 3rd battalion of the Independent Gar-
18 rison in Tashichiao should get rid of the enemy in
19 Yinko; the commander of the 4th battalion of the In-
20 dependent Garrison in Lienshankwan should sweep the
21 enemies in Fenhuangcheng and Antung; the commander of
22 the 6th battalion of the Independent Garrison in
23 Anshan should go to Mukden with two companies and
24 await orders from the commander of the 2nd Division;
25 the commander of the 3rd infantry brigade in Changchun

1 Wen Pao-shan affair, and other conflicts, in connection
2 with the guard duty. So he issued an order to the
3 effect that his forces should abstain from rashness
4 and impatience on the one hand, and on the other hand
5 should take a positive and resolute action in dis-
6 charging their duties, especially in the case of a
7 small unit once a clash with the enemy actually occurs
8 and should not allow the enemy to aggrandize the
9 incident by despising us. In his first inspection
10 tour following his arrival at his post the command
11 simultaneously undertook an unexpected inspection with
12 especial reference to the operational preparations of
13 every unit. As the Kwantung Army was inferior in
14 point of numbers and equipment, and was so situated
15 as to expect no re-inforcement from the central military
16 authorities, it tried to increase its fighting strength
17 by making the most of operational materials available
18 in Manchuria. For example, two heavy-guns were mounted
19 on the 2nd Battalion's Barrack of the Mukden Independent
20 Garrison, several armored cars were attached to a part
21 of infantry forces, and explosive provisions and other
22 wall-attack materials were prepared. It is true that
23 it endeavored to make up the shortage of the fighting
24 strength, but it was not in a position to carry out
25 extensive operations for a long time. As to the trans-

1 should guard Changchun with the 4th infantry and the
2 2nd cavalry regiments. In addition to the above the
3 30th infantry regiment and the heavy-gun battalion in
4 Port Arthur were ordered to move.

5 "Commander-in-Chief HONJO, accompanied by the
6 greater part of his staff officers including myself,
7 left Port Arthur for Mukden shortly after 3 a.m. on
8 the 19th, leaving MIYAKE, Chief of the Staff, one staff-
9 officer, and the chiefs of each department temporarily
10 in Port Arthur. On his way, he listened to the cries
11 of officials and people on the railway-line demanding
12 a punitive measure against the Chinese troops, and
13 received reports on the changes of situation of battle.
14 Upon his arrival at Mukden Station about noon on the
15 19th, he set up the commanding station immediately at
16 the railway station for this occasion. In the meanwhile
17 he sent reports to the central military authorities,
18 and requested the Commander-in-Chief of the Korean
19 Army to send reinforcements (one mixed brigade) in
20 accordance with the prearranged plan of operations.
21 Also he requested a part of the 2nd overseas Fleet to
22 be ordered out to Yingkou.

23 "Previously on September 18, General HONJO
24 had learned at Liaoyang that General TAKEKAWA was
25 coming for intercommunication by way of Mukden, and

1 dispatched Colonel ITAGAKI to Mukden in the same
2 afternoon, after the conclusion of inspection, in
3 order to come in touch with him and also contact
4 the Mukden Military Special Service Organ and the
5 Consulate-General concerning the NAKAMURA case.
6 Colonel ITAGAKI saw Major-general TAKEKAWA, who
7 arrived late at night on the same day, but left him
8 without obtaining the details of the message under
9 agreement that they were to meet again the next day.
10 As the incident took place at that very mid-night,
11 he gave certain directions, as occasion required,
12 concerning the war situation in Mukden. As the
13 senior staff-officer, Colonel ITAGAKI was well
14 acquainted with Commander HONJO's intentions, and it
15 was all the more true at that time, because the in-
16 spection of operational preparations just before the
17 Incident disclosed Commander HONJO's idea rather
18 clearly to him. So every step he took in coping
19 with the incident was in conformity with the Comman-
20 der's intention, and as such was approved by the
21 Commander as having contributed to the execution of
22 the operation"--

24 It is at this point that there appears a
25 clause which we are not offering at this time.

Skipping now to page 31, second paragraph,

1 which bears the number 3, in parenthesis, and resuming
2 reading there:

3 "(3) On the relation between the measures
4 to be adopted by the central authorities according
5 to the principle of non-aggrandizement and the mili-
6 tary movement of the Kwantung Army.

7 "The Japanese Government decided upon the
8 principle of non-aggrandizement on September 19,
9 immediately after the outbreak of the Manchurian
10 Incident" --

11 At this point appears the portion which is
12 the subject of the second objection and which we
13 have not offered.

14 Skipping now to the bottom of that page, 31,
15 and beginning with the last four words at the bottom
16 of the page:

17 "The Kwantu rmy understood
18
19
20
21
22
23
24
25

(p.13)

1 thoroughly the intention and policy of the government
2 and also of the central military authorities, i.e. the
3 policy of non-aggrandizement through the abovementioned
4 telegrams from the Minister of War and the Chief of
5 the General Staff. But the objective actuality of an
6 armed clash in the field was contradictory to the
7 policy of non-aggrandizement in the result and severe
8 reprimandings were very often received from the central
9 authorities. It is, firstly, because the central auth-
10 orities failed to understand the real situation in the
11 field. Of course we, the Kwantung Army, strove to
12 act in conformity with the central policy, but it was
13 absolutely necessary to forestall the Chinese by show-
14 ing activity, and dealing with them immediately, as we
15 were inferior in numbers and scattered all over South
16 Manchuria. However, the central authorities failed to
17 understand this psychology of the forces in the field
18 and the movements of the Chinese, and intended to treat
19 the matter with an optimistic observation or considera-
20 tion of a purely diplomatic convenience. Secondly, it
21 is because the Nanking Government with whom our central
22 authorities entered into negotiation had no control
23 over the North-eastern Army, and failed to live up to
24 its promise. Even Chang Hsui-liang could not control
25 the confused movements of his regional forces. The

1 negotiations at Tokyo, Nanking and Peiping failed to
2 be in time, so that there was no other way left than
3 that of settling the situation regionally in the field.

4 "Toward the end of September, the Kwantung
5 Army concentrated its forces along the S.M.R. Railway
6 to watch the situation. The enemies in Chinchou and
7 Lungkian were showing signs of counter-attacks accum-
8 ulating a superior strength. When the Nonkian-chao
9 Bridge was destroyed toward the end of October in 1931,
10 we negotiated with the Executive Council of the Chinese
11 Eastern Railway through our consul-general in Harbin,
12 and also with Ma Chanshan through our consul in Tsit-
13 sihar, and, with their understanding, began the repair
14 of the damaged bridge, when the Chinese army stationed
15 there started firing unreasonably at our repair unit.
16 Our covering force was thus obliged to return the fire,
17 and was placed in a difficult position. Ma Chanshan
18 failed to make a concession in spite of sequence of
19 negotiations, until our central authorities, recognizing
(p.14) 20 the situation, took actions to meet the Ma Chanshan
21 Forces.

22 "While the Kwantung Army was obliged to send
23 its main forces to Chichihaerh, leaving only 2 companies
24 in Mukden, the Chinese concentrated a great force in
25 Chinchou. The anti-Japanese propaganda from China

1 Proper was constantly made and thus the advance of this
2 reinforced enemy forces was a great menace to the South
3 Manchurian Area as well as an irritant to the nerves of
4 the Kwantung Army. Then we came to entertain an opinion
5 that we must sweep out the source of disturbance in
6 Chinchou. In the second Tientsin Incident toward the
7 end of November, our Tientsin Army requested the help
8 of the Kwangtung Army but, in view of the basic policy
9 not to stimulate the Soviet Union after the collapse of
10 Ma Chanshan's main forces, we were ready to send forces
11 to Chinchou by any means, even though we might be ob-
12 liged to call back forces from the North. However, the
13 attempt was checked by the central supreme command. It
14 seemed that, through the medium of the Chinese diplo-
15 matic authorities, a proposal was made to our diplo-
16 matic circles, to establish a neutral area in the neigh-
17 bourhood of Chinchou. But the Chinese attitude was such
18 that if we withdrew our forces, China would immediately
19 withdraw this proposal too. At any rate, it was nec-
20 essary for our small force situated in an extremely
21 disadvantageous position from a military standpoint, to
22 take the initiative increasing the war-like intention
23 of the enemy at the start.

24 "General HONJO, Commander of the Kwantung Army,
25 though a man of mild character, used to take a wide view

(p.15)

1 of things to listen to the positive opinions of junior
2 staff-officers, to take the whole responsibility, for
3 his duties abroad, and to issue orders or point out the
4 general principles. It is true that the Kwantung Army
5 often did not hesitate to make positive suggestions
6 to the central authorities and sometimes had heated
7 arguments with them, but I affirm that it has never act-
8 ed against an Imperial order or instruction so long as
9 the supreme command was involved.

10 "The actions, if any, taken by the Commander
11 of the Kwantung Army without asking instructions from
12 the central authorities, were only the following two:

13 "The one was the movement of the main forces
14 of the Kwantung Army at the sudden outbreak of the
15 Mukden Incident. But, in view of the prevailing mili-
16 tary situation, it can be learned that General HONJO
17 exercised his authority according to Article 3 of the
18 regulations of the Kwantung Army Headquarters, and his
19 usual operational preparations in peace time.

20 "The other was the bombing of Chinchou on
21 October 8. The fact was that six of scout-airplanes of
22 88-type and five seized POTEKI's (T.N. phonetic) were
23 flying to reconnoitre the conditions of the North-eastern
24 Army in Chinchou Area, when they were fired at, and in
25 self-defence, dropped 75 bombs on the Communications

1 Un'iversity (Military Government Office), barracks of
2 the 28th Division and Cheng Tsuo-hsiang's private
3 resident and so on. These bombs were in the size of 7
4 c.m. mountain-gun balls, and were dropped by hand having
5 no perfect dropping-appareatus so they might have gone
6 wild.

(p.16)

1 In all other matters the Kwantung Army went through
2 thorough exchange of views with the central author-
3 ities, and never started its operations without
4 receiving the latter's instructions. As to the
5 operations in the North Manchuria, the general re-
6 lations with the Soviet Union were taken into con-
7 sideration, and our forces were subjected to re-
8 striction in their movements, in spite of the
9 operational disadvantage and inconvenience, lest
10 the Soviet Union should suspect aggressive in-
11 tention on our part or her rights and interests in
12 North Manchuria should be violated. (4) "On the
13 settlement of the Manchurian Problem and the mil-
14 itary point of view". The true situation then ex-
15 isting between Japan and China can be characterized
16 as the conflict of opposing demands, the recovery
17 of national prestige from the Chinese side and the
18 preservation of the rights and interests from the
19 Japanese side. It seemed exceedingly difficult to
20 settle the issue unless one party make a conces-
21 sion or a compromise be reached between the two
22 parties, consequently we could hardly expect to
23 maintain our rights and interests merely through
24 diplomatic negotiations. In order to enable our
25 people to engage in peaceful economic activities

1 in Manchuria, there seemed to be no other way of
2 solution than to give up all our special rights and
3 interests, political, economic and military unless
4 China agreed to compromise. However, judging from
5 the then Foreign Minister HIDEHARA's statement made
6 in the Diet in October, 1931, or Prime Minister
7 TAKATSUKI's made in a provincial meeting in April,
8 our government could not carry out such a drastic
9 policy toward Manchuria and Mongolia, nor did the
10 public opinion permit such a course. As a matter
11 of fact, should the Japanese forces have been entirely
12 withdrawn from Manchuria, not only our rights and
(p.17) 13 interests would have been lost imperilling even the
14 lives of our residents but also the Soviet Union which
15 was recovering her influence in the Far East, as
16 was seen in the then 'Russo-Chinese dispute,' would
17 have encroached upon Manchuria. Then, in view of
18 the traditional policy of the Soviet Union, Manchuria
19 would have become a basis of Communistic propaganda,
20 and the maintenance of peace and order in Manchuria
21 would have been impossible, imperilling not only our
22 national defence but jeopardizing China's national
23 defence. It was quite clear judging from the conditions
24 after the Sino-Japanese War and the causes of the
25 Russo-Japanese War.

1 (End of reading)

2 The next sentence starting at the bottom
3 of page 38 is the one which the prosecution entered
4 an objection to and which has not been ruled on.

5 "The reason why Britain and U. S. supported
6 us in our war with Russia was to check the Russian
7 encroachment upon the Far East" -- that is the sen-
8 tence.

9 (Reading resumed.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3 . Though the Kwantung Army was no concerned
4 in making demand or comment on our diplomatic policy,
5 it was seriously concerned with the establishment of
6 peace and the defence of Manchuria in order to save
7 the situation caused by the collapse of the North-
8 eastern Army after the outbreak of the Manchurian
9 Incident. In the face of such a new situation, the
10 Kwantung Army and its commander could not but con-
11 sider the advisability of establishing a defensive
12 disposition against the Soviet Union from a military
13 standpoint.

14 Of course it meant only the establishment
15 of our defensive position toward Russia and it was
16 not our intention to attack the Soviet Union with
17 Manchuria as its base of operations. In other words,
18 we tried to make the most of this favorable dispos-
19 ition, from a strategic point of view, in perfect
20 concert with China to prevent the Soviet Union from
21 expanding south, and to give a silent assistance to
22 our delegate in negotiation. The founding of Man-
23 chukuo was brought about as a result of the new
24 political revolution in the North-eastern China,
25 following the collapse of the North-eastern military

1 clique, quite apart from the said military viewpoint.
2 It was anything but the means or object of our mil-
3 itary movements, though our military action may have
4 given an opportunity for it. It is a pity that Man-
5 churia was separated from China as a means of settling
6 the Incident, but we thought that we must understand
7 the tendencies, activities, and co-operations of the
8 various races in Manchuria before we cut the root of
9 disturbances over many years in order to establish
10 equilibrium in the East. That is to say, we
11 should seek the co-prosperity of the races through
12 their cooperation, which, from a military point of
13 view, would terminate war, and consequently achieve
14 Sino-Japanese cooperation. So the Kwantung Army was
15 devoted to the speedy establishment of peace and order,
16 from this military point of view, expecting the sit-
17 uation to be improved by officials and people them-
18 selves of the region and did not enforce military
19 administration in the occupied areas."

20 THE PRESIDENT: This is a convenient break.

21 We will adjourn until half-past nine tomorrow
22 morning.

23 (Whereupon, at 1600 hours, a recess
24 was taken until Thursday, May 15, at 0930 hours.)
25

- - - -